

Ordinance No. 121180

Council Bill No. 114576

The City of Seattle - Legislative Department
Council Bill/Ordinance sponsored by: _____

AN ORDINANCE vacating the alley in Block 58, D.T. Denny's Park Addition on the petition of Fisher Properties Inc. and accepting a Property Use and Development Agreement in relation herein, (Clerk File 301521).

Committee Action

CF No. _____

| | | |
|--------------------------------------|-----------------------------------|---|
| Date Introduced: MAY 27 2003 | | |
| Date 1st Referred: MAY 27 2003 | To: (committee) TRANSPORTATION | |
| Date Re - Referred: | To: (committee) | |
| Date Re - Referred: | To: (committee) | |
| Date of Final Passage: 6-9-03 | Full Council Vote: 9-0 | |
| Date Presented to Mayor: 6-10-03 | Date Approved: 6/12/03 | |
| Date Returned to City Clerk: 6/17/03 | Date Published: 2PR | T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/> KC |
| Date Vetoed by Mayor: | Date Veto Published: | |
| Date Passed Over Veto: | Veto Sustained: | |

6/2/03 passed unanimously
McAveney

6-9-03 Passed 9-0

This file is complete and ready for presentation to Full Council.

Law Department

Law Dept. Review

OMP
Review

City Clerk
Review

me

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: *R. J. Conlin* **CONLIN**
Councilmember

Denny's Park Addition on the petition of
se and Development Agreement in

Committee Action:

6/3/03 passed unanimously 3-0 yes,
McIver, Wilson, Conlin

6-9-03 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: *RC 6/3/03*
(Initial/date)

Law Department

Law Dept. Review

OMP
Review

(b)
City Clerk
Review

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Conlin will
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ORDINANCE

121180

AN ORDINANCE vacating the alley in Block 58, D.T. Denny's Park Addition on the petition of Fisher Properties Inc. and accepting a Property Use and Development Agreement in relation herein, (Clerk File 301521).

WHEREAS, there has been filed with the City Council the petition of Fisher Properties Inc., (Clerk File 301521); and

WHEREAS, following a public hearing on said petition, held on April 1, 1997, the petition was conditionally approved; and

WHEREAS, pursuant to Section 35.79.030, RCW, and Seattle Municipal Code 15.62, the petitioner has paid \$172,500 to the City, which amount is one-half the appraised value of the property approved for vacation, according to an appraisal obtained by the Director of the Seattle Department of Transportation; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That

The alley in Block 58, D.T. Denny's Park Addition, as recorded in Volume 2 of Plats, page 46, Records of King County, Washington, being the alley in the block bounded by Denny Way, John Street, 4th Avenue and 5th Avenue

be and the same are hereby vacated; also RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above-described property in the reasonable original grading of any rights-of-way abutting upon said property after said vacation.

Section 2. That the Property Use and Development Agreement, King County Recording Number 20030408001889, executed by Fisher Properties, Inc., a copy of which is attached as Attachment A, is hereby accepted.

Section 3. That the City Clerk is hereby authorized and directed to file a copy of this Ordinance at the King County Records and Elections Division, and to deliver copies of the same

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MoirGray/mjg
Block58AlleyVacOrd
04/24/03
version #1

1 to the Director of the Department of Design, Construction and Land Use, and to the King County
2 Assessor's Office.

3 Section 4. This ordinance shall take effect and be in force thirty (30) days from and after
4 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
5 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
6

7 Passed by the City Council the 9th day of June, 2003, and signed by me in open
8 session in authentication of its passage this 9th day of June, 2003.

9
10 Peter Steinbrenner
11 Pres'dent _____ of the City Council

12 Approved by me this 12 day of June, 2003.

13 Gregory J. Nickels
14 Gregory J. Nickels, Mayor

15 Filed by me this 17th day of June, 2003.

16 Judith Edrington
17 City Clerk

18
19 (Seal)

20 Attachment A: Property Use and Development Agreement Recording Number 20030408001889
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**COUNCIL CONDITIONS ON THE ALLEY IN BLOCK 58, D.T. DENNY'S PARK
ADDITION, C.F. 301521**

The City Council granted the vacation subject to the following conditions:

1. All utility issues shall be resolved to the full satisfaction of the affected utilities. These may include easements or relocation of the facilities which shall be at the sole expense of the petitioner. The utilities include Seattle City Light, US West (now Qwest), and Seattle Public Utilities Drainage and Wastewater.

The petitioner has relocated all facilities from Seattle City Light, Qwest and Seattle Public Utilities out of the former alley area.

2. Any street lighting equipment removed from the alley, including poles and other equipment shall be returned to City Light.

The petitioner has returned all equipment to Seattle City Light.

3. Final design and location of all ingress and egress (curb cuts, service access, entry to parking garage) shall meet City standards and be approved by Seattle Transportation (now SDOT).

Final design of all ingress and egress was approved on the project building permit plans by Seattle Department of Transportation and the project was constructed as approved.

4. A Property Use and Development Agreement (PUDA), public access easement, or other mechanism shall be required to ensure that the plaza area remains undeveloped and accessible to the public.

Fisher has executed the Property Use and Development Agreement, King County Recording Number 20030408001889, that is accepted in the ordinance.

5. Fisher, prior to the initial development of the property, to the extent feasible, shall make a reasonable effort to incorporate the following in the initial development:

- Retail space in portions of the ground floor of the Plaza and street sides;

Fisher has designed and constructed ground floor space usable for retail. See attached plan. They currently have one restaurant tenant.

- A method for vehicles, on a limited basis to pass through the Plaza;

The plaza has been designed to accommodate the pass-through of vehicles on a limited basis. There is a grade level entry and exit with bollards at Denny and

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4th Avenue. Access would be allowed for emergency vehicles, large deliveries and move-in trucks and special event-related vehicles.

- A visual connection through the Plaza from 5th Avenue and Denny to the Seattle Center, which may be accomplished by windows on the first floor at the northwest corner of Phase I,;

The project has been designed in accordance with plans reviewed and approved by the Seattle Design Commission. Windows have been incorporated on the first floor at the northwest corner of Phase I. These windows, together with the overall design of the Plaza provide the visual connection from 5th Avenue to the Seattle Center.

- Lights, paving, and signs, on a limited basis, which relate to the neighborhood.

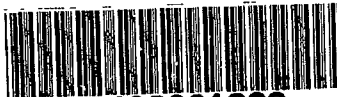
Signage has been incorporated into the lighting structures, displaying directions to various points of interest around the neighborhood, such as the Seattle Center, Space Needle and Pacific Science Center. In addition, Fisher has worked as part of the Tilikum Neighborhood Group with DOPAR, SCL and SDOT to make improvements to Tilikum Park across the street from Fisher Plaza.

Fisher has worked with the Seattle Center and the Space Needle to construct a new entrance to the Seattle Center at 4th Avenue and Broad Street and has extended the connectivity capability of Fisher Plaza to the Seattle Center. Fisher committed funds for the Festival Pavilion at the Seattle Center and works regularly with the Tilikum Neighborhood Group, the Pacific Science Center, the Seattle Center, the Space Needle, the EMP and other local businesses to foster improvements and security in the neighborhood.

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Unofficial Document



20030408001889

FIRST AMERICAN RO
PAGE 001 OF 010
04/00/2003 13 34
KING COUNTY, WA

28.00

AFTER RECORDING RETURN DOCUMENT TO

John C. McCullough
McCullough Hill Fikso Kretschmer Smith
2025 First Avenue, Suite 1130/
Seattle, WA 98121

ATTACHMENT A

Reference Number of Related Document N/A
Grantor(s) FISHER MEDIA SERVICES COMPANY
Grantee(s) CITY OF SEATTLE
Abbreviated Legal Description Lots 1-12, Block 58, D. T. Denny's Park Addition
to North Seattle, Vol 2 of Plats, p 46, King County, WA
Additional Legal Description is on page 2 of Document
Assessor's Property Tax Parcel or Account No 199120-0150-03; 199120-0170-09

01330-02 10

PROPERTY USE AND DEVELOPMENT AGREEMENT

THIS AGREEMENT is made this date in favor of the CITY OF SEATTLE, a municipal corporation of the State of Washington (herein, the "City") by FISHER MEDIA SERVICES COMPANY, a Washington corporation, owners of the within described property (herein, the "Owner").

This instrument filed for record by
First American Title Insurance Company
as an act of accommodation only, it has not
been examined as to its execution or
as to its effect upon the title.

WITNESSETH.

WHEREAS, Owner is vested in fee simple title and/or has a substantial beneficial interest in the real property situated in King County, Washington, described as follows (herein called the "Property"):

Lots 1 through 12 inclusive, Block 58, D. T. Denny's Park Addition to
North Seattle, according to the Plat thereof, recorded in Volume 2 of
Plats, page 46, in King County, Washington;

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Except the easterly 7 feet Lots 1 through 6 condemned for widening Willow Street (5th Avenue) in District Court Cause Number 7541, pursuant to City of Seattle Ordinance Number 1224.

and

WHEREAS, the Owner is redeveloping the Property with new office buildings and broadcasting facilities ("Development"), and

WHEREAS, in connection with the Development, a petition was filed in 1996 (C.F. No 301521) pursuant to RCW Ch 35.79 and Seattle Municipal Code Ch 15.62, by the Owner to vacate the alley in Block 58, D T Denny's Park Addition to North Seattle; and

WHEREAS, the Seattle City Council granted preliminary approval of the vacation subject to conditions, including the condition that the surface plaza area of the Development ("Plaza Area"), which is depicted on Exhibit A and legally described on Exhibit B hereto, remain undeveloped and accessible to the public, and

WHEREAS, the Owner now seeks final vacation of the alley in Block 58, D T Denny's Park Addition to North Seattle,

NOW, THEREFORE, the Owner hereby covenants, bargains and agrees on behalf of itself, its successors and assigns as follows.

Section 1 The Plaza Area shall not be developed with buildings (but may be developed with a plaza, fountain, landscaping, benches, lighting, signs and other open space and pedestrian amenities) The Plaza Area shall be open to the public during daylight hours, subject to the conditions set forth herein As used herein, "Plaza Area" does not include below-grade or subsurface areas (which areas are occupied by the subsurface parking garage for the Development) The Owner reserves the right to use the Plaza Area for any purposes not inconsistent with the grant of rights contained herein

Section 2. The Owner shall have the right from time to time to temporarily close or obstruct the Plaza Area for construction, required maintenance and repair or because of circumstances beyond the Owner's control The Owner shall also have the right from time to time to temporarily close or obstruct the Plaza Area (i) to permit its temporary use for private functions related to the Development or the Property (or the owners or users thereof) or (ii) as necessary to maintain the safety and security of the



Development, the Property or the persons and property associated therewith. The Owner may adopt such reasonable rules and regulations regarding the use of and access to the Plaza Area as are necessary to ensure the safety or security of the users of the Plaza Area, the Development or the Property.

Section 3. This Agreement shall be recorded in the records of King County and the covenants hereof shall be deemed to attach to and run with the Property and shall be binding upon the Owner, its heirs, successors and assigns.

Section 4. This Agreement may be amended or modified by agreement between the Owner and the City; provided such amended agreement shall be approved by the legislative authority of the City by ordinance. Nothing in the agreement shall be construed as a surrender of the City's governmental powers.

Section 5. This Agreement is made for the benefit of the City and the public, and the City may institute and prosecute any proceeding at law or in equity to enforce this Agreement.

Section 6. Upon the effective date of the vacation ordinance, Owner shall provide and thereafter maintain in full force and effect, commercial general liability insurance providing for a limit of not less than \$1,000,000 per occurrence for all damages arising out of bodily injuries or death. The insurance policies obtained shall be approved as to form by the City Risk Manager, and shall name the City as an additional insured.

Section 7. Owner shall indemnify and hold the City harmless from any and all claims, losses, liabilities, liens, costs, or expenses resulting from or arising out of public use of the Plaza Area. If any claim covered by this paragraph is asserted against the City, Owner, upon notice thereof from the City, shall defend the same at its sole cost and expense, and shall pay any final judgment rendered upon such claim.

Section 8. The Owner reserves the right to use the Plaza Area for any purpose which does not interfere with the public's use of the Plaza Area, including but not limited to the right to use the Plaza Area as described herein and the right to grant easements within the Plaza Area.

Section 9. Notwithstanding the covenants contained herein, nothing in this Agreement shall constitute a public dedication of any portion of the Property.

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Section 10. In the event any covenant or condition hereinabove contained or any portion thereof is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition or restriction herein contained.

Dated this 2nd day of April, 2003

OWNER.

FISHER MEDIA SERVICES COMPANY

By: Miley Y. Chaleau
Its: President

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STATE OF WASHINGTON)
) ss
COUNTY OF KING)

On this day personally appeared before me Kirk G. Anderson to me known to be the President of FISHER MEDIA SERVICES COMPANY, a Washington corporation; the company that executed the within and foregoing instrument, and acknowledged the instrument to be the free and voluntary act and deed of said company for the uses and purposes therein mentioned, and on oath stated that he was duly authorized to execute said instrument on behalf of said company

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 2nd day of April, 2003

Sheila L. Morey

(print or type name)
Sheila L. Morey

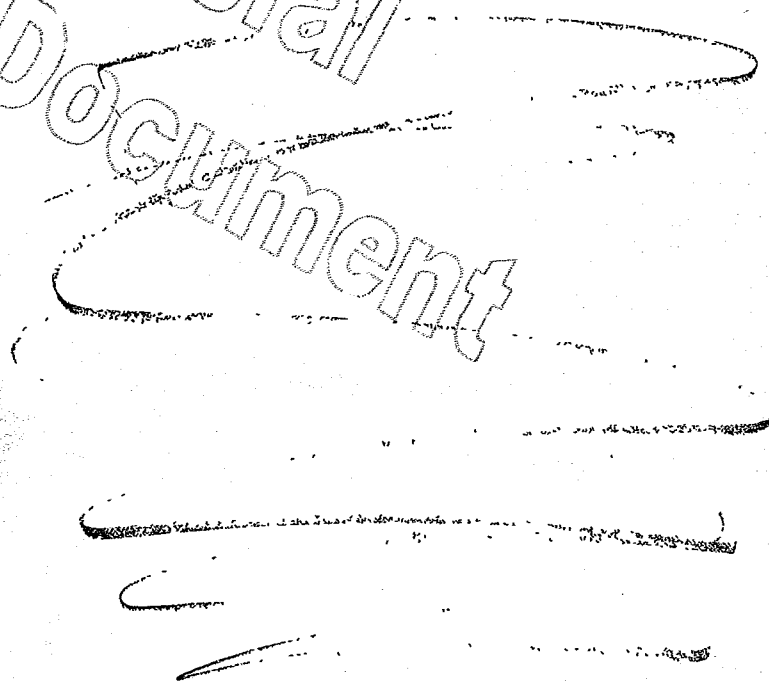
NOTARY PUBLIC in and for the State of
Washington, residing at Everett
My Commission expires 5/19/05

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Document

EXHIBIT A
Drawing of Plaza Area

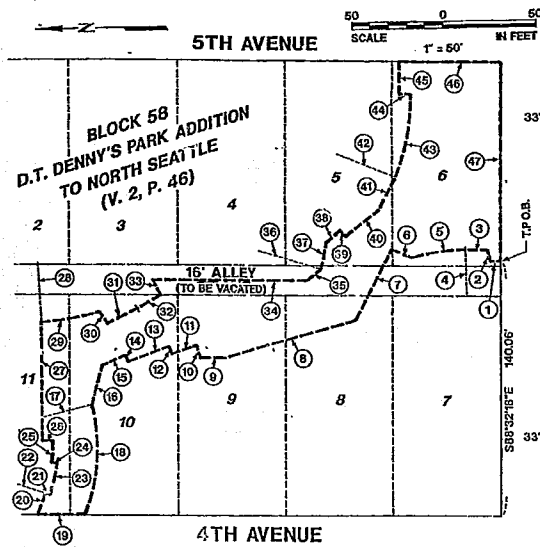


V:\WTSRV\PROFILES\KIRK\TEMPORARY INTERNET FILES\OLKE\PU2A2.DOC

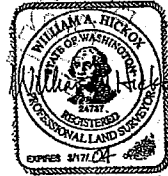


Exhibit A

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- | | | |
|-----------------------|-----------------------|-------------------------|
| 1 N01°16'04"E 5.78' | 21 S20°16'14"W 2.50' | 40 S30°42'55"E 23.38' |
| 2 N74°28'27"E 5.83' | 22 S20°39'47"W (R) | 41 S61°01'08"E 21.02' |
| 3 N01°00'55"E 113' | 23 R = 77.80' | 42 S22°29'34"W (R) |
| 4 N89°38'35"E (R) | 24 Δ = 13'45"21" | 43 R = 12.44' |
| 5 R = 133.01' | 25 L = 18.68' | 44 Δ = 20'55"45" |
| 6 R = 13'19"32" | 26 L = 30.93' | 45 L = 45.86' |
| 7 N22°16'08"E 11.94' | 27 S86°37'21"E 1126' | 46 N01°27'23"E 6.43' |
| 8 N61°41'13"W 43.52' | 28 N02°29'29"E 6.10' | 47 S88°30'51"E 18.03' |
| 9 N14°16'32"W 77.52' | 29 S86°30'41"E 85.24' | 48 S07°00'30"W 55.79' |
| 10 N01°20'46"E 12.48' | 30 S88°29'69"W (R) | 49 N88°32'18"W -106.69' |
| 11 N74°34'50"E 7.07' | 31 R = 128.55' | |
| 12 N17°55'44"W 14.29' | 32 Δ = 14'24"12" | |
| 13 N68°33'24"E 4.50' | 33 L = 32.32' | |
| 14 N19°23'20"W 23.97' | 34 S55°17'24"W 7.83' | |
| 15 N70°03'44"E 3.84' | 35 S24°12'03"E 19.84' | |
| 16 N21°22'25"W 14.61' | 36 S30°18'08"E 13.80' | |
| 17 N72°45'18"W 22.81' | 37 N65°25'20"E 9.05' | |
| 18 S12°11'57"E (R) | 38 S01°27'15"W 85.57' | |
| 19 R = 88.80' | 39 S35°27'04"E 9.97' | |
| 20 Δ = 34'52"07" | 40 S17°55'00"W (R) | |
| L = 60.13' | 41 R = 131.61' | |
| | 42 Δ = 06'20"42" | |
| | L = 14.57' | |
| | 43 S40°28'35"E 10.84' | |
| | 44 S45°58'27"W 4.09' | |



BUSH, ROED & HITCHINGS, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 2009 MINOR AVE. E. (206) 323-4144
 SEATTLE, WA 98102-3513
 BRH JOB NO 2002249.00 1-3-02

SKETCH

PREPARED FOR: FISHER PROPERTIES, INC. - PROJECT: FISHER PLAZA



Unofficial
Document

EXHIBIT B

Legal Description of Plaza Area

[Redacted content]

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Exhibit B 

Unofficial

DESCRIPTION

THOSE PORTIONS OF LOTS 5, 6, 8, 9 10 AND 11, BLOCK 58, D.T. DENNY'S PARK ADDITION TO NORTH SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 46, RECORDS OF KING COUNTY, WASHINGTON, AND OF THE ALLEY BISECTING SAID BLOCK 58, DESCRIBED AS A WHOLE AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID BLOCK 58, THENCE SOUTH 86°32'18" EAST 140.06 FEET ALONG THE SOUTH LINE THEREOF TO THE TRUE POINT OF BEGINNING;
THENCE NORTH 01°16'04" EAST 5.78 FEET;
THENCE NORTH 74°28'27" EAST 5.83 FEET;
THENCE NORTH 01°00'55" EAST 11.31 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 133.01 FEET (A RADIAL LINE TO SAID BEGINNING BEARS NORTH 89°38'35" EAST);
THENCE NORTHERLY AND NORTHWESTERLY 30.93 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°19'32";
THENCE NORTH 22°16'06" EAST 11.94 FEET;
THENCE NORTH 61°41'13" WEST 43.52 FEET;
THENCE NORTH 14°16'32" WEST 77.52 FEET;
THENCE NORTH 01°20'46" EAST 12.48 FEET;
THENCE NORTH 74°34'50" EAST 7.07 FEET;
THENCE NORTH 17°55'44" WEST 14.29 FEET;
THENCE NORTH 68°33'24" EAST 4.50 FEET;
THENCE NORTH 19°23'20" WEST 23.97 FEET;
THENCE NORTH 70°03'44" EAST 3.84 FEET;
THENCE NORTH 21°22'26" WEST 14.61 FEET;
THENCE NORTH 72°45'18" WEST 22.81 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 98.80 FEET (A RADIAL LINE TO SAID BEGINNING BEARS SOUTH 12°17'51" EAST);
THENCE WESTERLY AND NORTHWESTERLY 60.13 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 34°52'07" TO THE WEST LINE OF SAID BLOCK 58;
THENCE NORTH 01°25'30" EAST 25.65 FEET ALONG SAID WEST LINE;
THENCE SOUTH 65°34'17" EAST 11.75 FEET;
THENCE SOUTH 20°16'14" WEST 2.50 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 77.80 FEET (A RADIAL LINE TO SAID BEGINNING BEARS SOUTH 20°39'47" WEST);
THENCE SOUTHEASTERLY AND EASTERLY 18.68 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°45'21";
THENCE NORTH 08°09'03" EAST 2.55 FEET;
THENCE SOUTH 86°37'21" EAST 11.26 FEET;
THENCE NORTH 02°29'29" EAST 6.10 FEET;
THENCE SOUTH 88°36'41" EAST 65.24 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 128.56 FEET (A RADIAL LINE TO SAID BEGINNING BEARS SOUTH 88°29'59" WEST);
THENCE SOUTHERLY AND SOUTHEASTERLY 32.32 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14°24'12";
THENCE SOUTH 55°17'24" WEST 7.83 FEET;
THENCE SOUTH 24°12'03" EAST 19.64 FEET;

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THENCE SOUTH 30°18'06" EAST 13.80 FEET;
 THENCE NORTH 65°25'20" EAST 9.05 FEET;
 THENCE SOUTH 01°27'15" WEST 85.57 FEET;
 THENCE SOUTH 35°27'04" EAST 9.37 FEET TO THE BEGINNING OF A NON-
 TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 131.61 FEET (A
 RADIAL LINE TO SAID BEGINNING BEARS SOUTH 17°55'00" WEST);
 THENCE EASTERLY 14.57 FEET ALONG SAID CURVE THROUGH A CENTRAL
 ANGLE OF 06°20'42";
 THENCE SOUTH 40°28'35" EAST 10.64 FEET;
 THENCE SOUTH 45°58'27" WEST 4.09 FEET;
 THENCE SOUTH 36°42'55" EAST 23.36 FEET;
 THENCE SOUTH 61°01'06" EAST 21.02 FEET TO THE BEGINNING OF A NON-
 TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 125.44 FEET (A
 RADIAL LINE TO SAID BEGINNING BEARS SOUTH 22°29'34" WEST);
 THENCE EASTERLY 45.86 FEET ALONG SAID CURVE THROUGH A CENTRAL
 ANGLE OF 20°56'45";
 THENCE NORTH 01°27'23" EAST 6.43 FEET;
 THENCE SOUTH 88°30'51" EAST 18.03 FEET TO THE WEST LINE OF THE
 EAST 7.00 FEET OF SAID BLOCK 58 CONDEMNED FOR WIDENING WILLOW
 STREET (NOW 5TH AVENUE) IN DISTRICT COURT CAUSE NO. 7541,
 PURSUANT TO CITY OF SEATTLE ORDINANCE NUMBER 1224;
 THENCE SOUTH 01°00'30" WEST 55.79 FEET ALONG SAID WEST LINE TO
 SAID SOUTH LINE OF BLOCK 58;
 THENCE NORTH 88°32'18" WEST 108.59 FEET ALONG SAID SOUTH LINE TO
 THE TRUE POINT OF BEGINNING;

THE PARCEL DESCRIBED ABOVE CONTAINS 14,773 SQUARE FEET
 (0.34 ACRE), MORE OR LESS.

SITUATE IN THE CITY OF SEATTLE, KING COUNTY, WASHINGTON.



1-6-03

FISHER PROPERTIES, INC.
 FISHER PLAZA
 WILLIAM A. HICKOX, P.L.S.
 BRH JOB NO. 2002249.00
 DECEMBER 16, 2002
 REVISED JANUARY 3, 2003

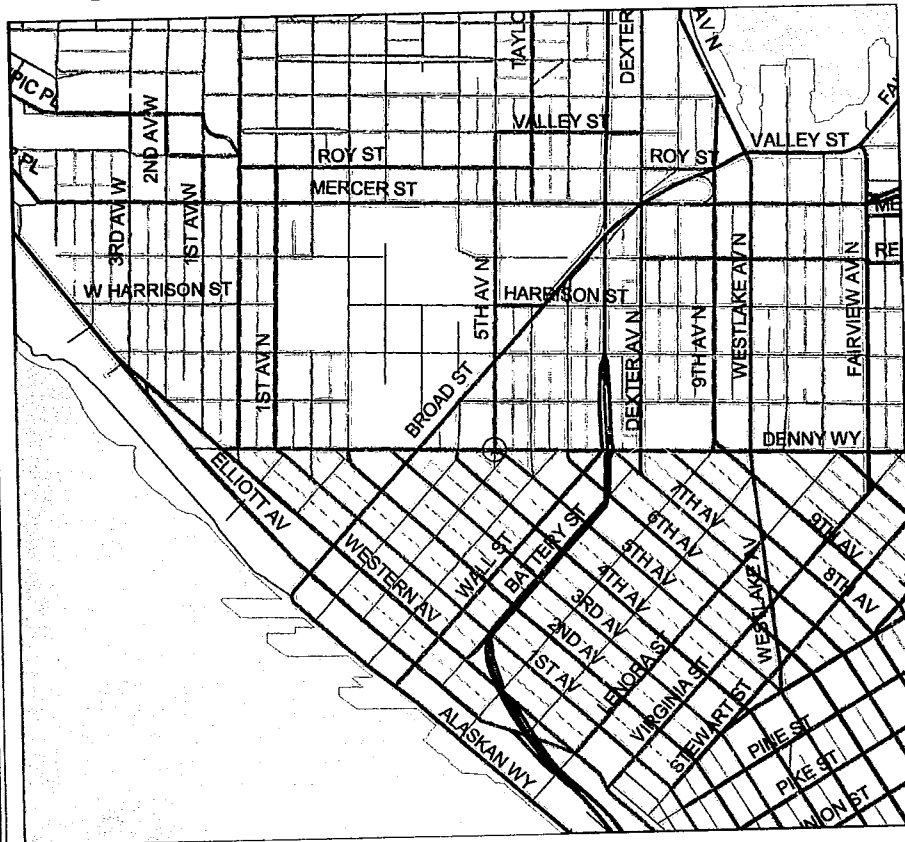
BUSH, ROED & HITCHINGS, INC.
 2009 MINOR AVENUE EAST
 SEATTLE, WA 98102
 (206) 323-4144

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The City of Seattle



Legend

Text Displays at 1:24,000 and larger Arterial Names
Arterials & Local Streets - large scale
Principal Arterial
Minor Arterial
Collector Arterial
State Route/Freeway

Block 58 Alley Vacation

1000 0 1000 Feet

Produced by the City of Seattle

April 17, 2003

THE CITY OF SEATTLE, 2002. All rights reserved.
No guarantee is made as to the accuracy, completeness, or fitness for use.

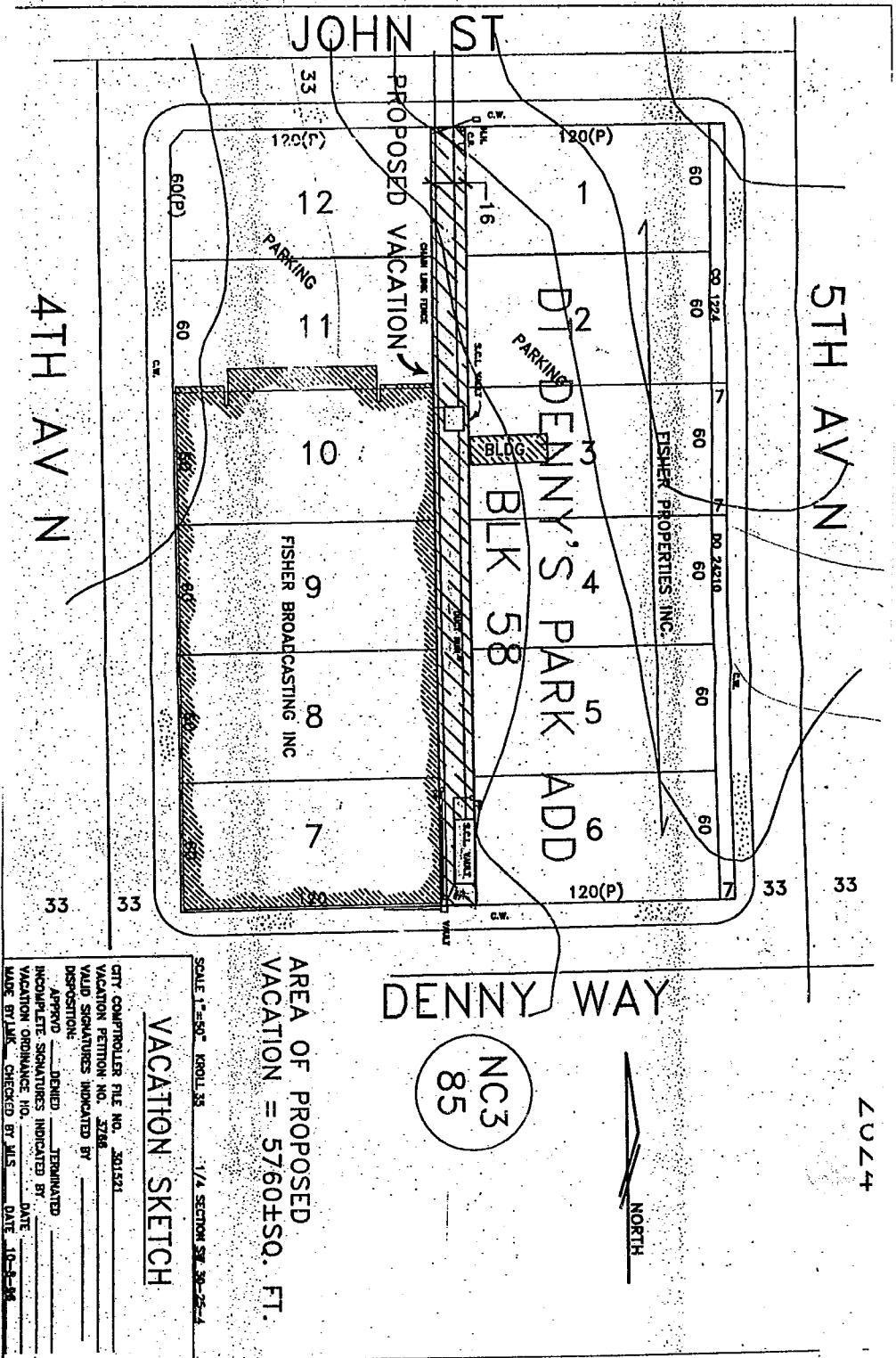


Source: City of Seattle, 2002. Block 58 Alley Vacation

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ACTING
CITY
CLERK

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Maira Gray
05/08/03
Blk58AlleyVacation
Version #:1

Form revised April 22, 2003

FISCAL NOTE FOR NON-CAPITAL PROJECTS

| Department: | Contact Person/Phone: | DOF Analyst/Phone: |
|------------------------|-----------------------|--------------------------|
| Seattle Transportation | Maira Gray 684-8272 | Jennifer Devore 615-1328 |

Legislation Title:

AN ORDINANCE vacating the alley in Block 58, D.T. Denny's Park Addition on the petition of Fisher Properties Inc. and accepting a Property Use and Development Agreement in relation herein, (Clerk File 301521).

• **Summary of the Legislation:**

This ordinance vacates the alley in Block 58, D.T. Denny's Park Addition, located in the Denny Regrade area. It is the final step of the vacation petition filed by Fisher Properties Inc. for the development of Fisher Plaza project (Clerk File 301521). The ordinance also accepts a Property Use and Development Agreement, executed and recorded by Fisher Properties Inc., that grants public access to the plaza portion of the project. This access was a condition required by the City Council as part of the vacation approval process.

- **Background:** (Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):

The City Council granted conditional approval of the vacation petition in 1997.
This ordinance is the final step in the process.

Fisher Plaza is the full block redevelopment of the KOMO television-broadcasting site. The site is bounded by 4th and 5th Avenues North and Denny and John Streets and is one block south of the Seattle Center. Two buildings were constructed, separated by an open, publicly accessible plaza with a fountain and landscaping. The vacation of the alley allows for a project design that enhances the pedestrian link from Denny Way to the Seattle Center.

- Please check one of the following:

X **This legislation does not have any financial implications.** (Stop here and delete the remainder of this document prior to saving and printing.)

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City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

May 19, 2003

Honorable Peter Steinbrueck
President
Seattle City Council
Municipal Building, 11th Floor

Dear Council President Steinbrueck:

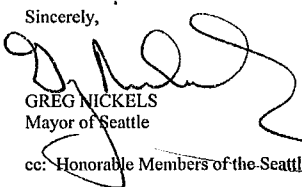
The attached ordinance vacates the alley in Block 58, D.T. Denny's Park Addition, located in the Denny Regrade area, (Clerk File 301521). The petition was filed by Fisher Properties, Inc. for the development of Fisher Plaza. The City Council granted conditional approval of the vacation in 1997. Fisher Plaza was constructed in two phases and was substantially completed in 2002. The ordinance also accepts a Property Use and Development Agreement that ensures access to the area developed for public use.

Fisher Plaza is the full block redevelopment of the KOMO television broadcasting site. The site is bounded by 4th and 5th Avenues North and Denny and John Streets and is one block south of the Seattle Center. Two buildings were constructed, separated by an open, publicly accessible plaza with a fountain and landscaping. The project includes five stories with approximately 285,000 feet of multi-tenant office, broadcast and retail space over underground parking. A major part of the project consists of the broadcast studios, news and technical support services. This part of the project allows for state of the art information transfers and links between long distance users. The building design includes upgraded emergency capabilities. The parking garage accommodates approximately 700 vehicles. The building construction and plaza area allows for an enhanced pedestrian link from Denny Way to the Seattle Center.

The entire list of conditions on the vacation and their satisfaction are attached to this cover letter.

Thank you for your consideration of this legislation. Should you have questions please contact Moira Gray at 684-8272.

Sincerely,


GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

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600 Fourth Avenue, 12th Floor, Seattle, WA 98104-1873

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E-mail: mayors.office@ci.seattle.wa.us

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon



STATE OF WASHINGTON – KING COUNTY

--SS.

160512
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

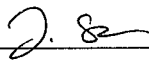
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

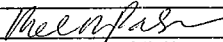
CTOT:121180 ORD IN FULL

was published on

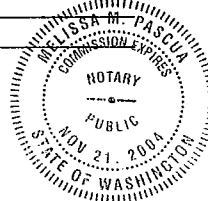
7/2/2003


Subscribed and sworn to before me on

7/2/2003


Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



NOTE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

State of Washington, King County

City of Seattle

ORDINANCE 121180

AN ORDINANCE vacating the alley in Block 58, D.T. Denny's Park Addition on the petition of Fisher Properties Inc. and accepting a Property Use and Development Agreement in relation hereto, (Clerk File 501221).

WHEREAS, there has been filed with the City Council the petition of Fisher Properties Inc., (Clerk File 501221); and

WHEREAS, following a public hearing on said petition, held on April 1, 1997, the petition was conditionally approved; and

WHEREAS, pursuant to Section 35.70.030, RCW, and Seattle Municipal Code 15.62, the petitioner has paid \$172,600 to the City, which amount is one-half the appraised value of the property approved for vacation, according to an appraisal obtained by the Director of the Seattle Department of Transportation; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That

The alley in Block 58, D.T. Denny's Park Addition, as recorded in Volume 2 of Plat, page 46, Records of King County, Washington, being the alley in the block bounded by Denny Way, John Street, 4th Avenue and 5th Avenue

be and the same are hereby vacated; also, RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills

upon the above-described property in the reasonable original grading of any rights-of-way abutting upon said property after said vacation.

Section 2. That the Property Use and Development Agreement, King County Recording Number 20030408001889, executed by Fisher Properties, Inc. a copy of which is attached as Attachment A, is hereby accepted.

Section 3. That the City Clerk is hereby authorized and directed to file a copy of this Ordinance at the King County Records and Elections Division, and to deliver copies of the same to the Director of the Department of Design, Construction and Land Use, and to the King County Assessor's Office.

Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 9th day of June, 2003, and signed by me in open session in authentication of its passage this 9th day of June, 2003.

PETER STEINBRUECK,

President of the City Council.

Approved by me this 12th day of June, 2003.

GREGORY J. NICKELS,

Mayor.

Filed by me this 17th day of June, 2003.

(Seal) JUDITH PIPPIN,

City Clerk.

Attachment A: Property Use and Development Agreement Recording Number 20030408001889.

Publication ordered by Judith Pippin, City Clerk.

Date of publication in the Seattle Valley Journal of Commerce, July 2, 2003.

7/2/100512

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STATE OF WASHINGTON - KING COUNTY

--SS.

160508
City of Seattle, Clerk's Office

No. TITLE ONLY ORDINANCES

Affidavit of Publication

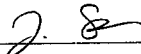
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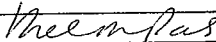
CT:121179-121183

was published on

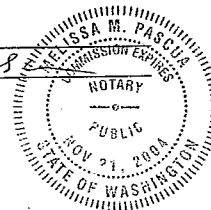
7/2/2003


Subscribed and sworn to before me on

7/2/2003


Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on June 2, 2003, and published here by title only, will be mailed, at no cost, on request for two months after this publication. For further information, contact the Seattle City Clerk at 584-8544.

ORDINANCE NO. 121183

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

ORDINANCE NO. 121182

AN ORDINANCE relating to the Police Department; authorizing execution of a contract with the University District Service Fund for supplemental police services; accepting payment from the University District Service Fund for these services; increasing the 2003 Budget of the Police Department by making a reimbursable appropriation; and ratifying and confirming all prior acts, all by three-fourths vote of the City Council.

ORDINANCE NO. 121181

AN ORDINANCE relating to the City's Retiree Health Plan; accepting a grant from and authorizing the execution of a grant with the Seattle Foundation to aid community efforts in support of youth; increasing an appropriation in the 2003 budget of the Human Services Department; and ratifying and confirming prior acts.

ORDINANCE NO. 121180

AN ORDINANCE vacating the alley in Block 38, D.T. Demay's First Addition on the petition of Fisher Properties Inc. and accepting a Property Use and Development Agreement in relation herein. (Clerk File 201021)

ORDINANCE NO. 121179

AN ORDINANCE relating to the Joint Training Facility; increasing appropriations to the Fleet and Facilities Department; authorizing the loan of funds from the City's Consolidated Cash Pool; all by a three-fourths vote of the City Council.

Publication ordered by Judith Pippin, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, July 2, 2003.

7/2(160608)

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